REMARKS

This amendment responds to the office action mailed June 26, 2006. In the office action the Examiner:

- rejected claims 30-58 and 89 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter
- rejected claims 1-90 under 35 U.S.C. 102(e) as being anticipated by Barg et al (U.S. Patent No. 6,707,454).
- rejected claims 1,30 and 59 under 35 U.S.C. 102(e) as being anticipated by Applicant Admitted Prior Art (AAPA) of the Instant Application.
- rejected claims 1, 30 and 59 under 35 U.S.C. 102(e) as being anticipated by Stolte et al., Polaris, included in Applicant's IDS.

After entry of this amendment, the pending claims are: claims 1-90.

Claim Rejections – 35 USC §101

The preamble of the independent claim 30, in pertinent part, reads as follows:

> "... the computer program product comprising **a computer readable storage medium** and **a computer program mechanism embedded therein, ..., the computer program mechanism** comprising:" (Emphasis Added).

In other words, the computer program mechanism is stored in a computer readable storage medium. Claim 30 also recites that the computer program mechanism comprises at least three executable actions as represented by elements (A), (B), and (C). Therefore, Applicant respectfully submits that the Examiner withdraw the rejections under 35 U.S.C. 101.

Claim Rejections – 35 USC §102(e)

The Barg Patent

Claim 1 is directed to a method of forming a visual plot using a hierarchical structure of a dataset. The dataset includes a measure and a multi-level hierarchical dimension having a first level represented by a first component of the visual plot and a second level represented by a second component of the visual plot. When the first component and the second component are each not an axis or a single layer of the visual plot, the first component is on a different layer or axis of the visual plot than the second component. An embodiment of what

is recited in claim 1 is described in the specification (e.g., page 40, line 20 – page 41, line 20 in connection with Fig. 20).

Fig. 20 depicts a visual plot 2000 of a multidimensional dataset. The dataset has a measure "sales" and a multi-level hierarchical dimension "time." The "time" dimension has at least three levels, "month", "quarter", and "year". The first component of the visual plot 2000 is "column" (i.e., x-axis) and the second component is "row" (i.e., y-axis). Both the "year" level of the time dimension and the measure "sales" appear in the row or y-axis while the "quarter" and "month" levels appear in the column or x-axis.

In contrast, Barg does not disclose each feature recited in claim 1. For example, Barg does not teach or suggest that the first and second levels of a dimension can appear on two **different** layers or axes of a visual plot. All the figures of Barg show that the two levels of the product dimension, the higher level "product type" such as tea and the lower level "product" such as green tea, are actually on the same axis of a visual plot.

The flowchart in Fig. 24 of Barg cited by the Examiner teaches that a horizontal axis may include one or more dimensions (col. 26, lines 19-33 of Barg). But it does not suggest that two hierarchical levels of the same dimension may appear at different axes.

Therefore, claim 1 and its dependent claims 2-29 and 88 are not anticipated by Barg. Since claims 30 and 59 are respective computer program product claim and computer system claim that substantially correspond to claim 1, claims 30-87 and 89-90 are not anticipated by Barg for at least the same reasons mentioned above.

The Pivot-Table Interface

Contrary to the Examiner's assertion, Applicants cite The Pivot-Table interface as shown in Fig. 18 of the present application to emphasize the limitations that have been overcome by the present invention. The relevant paragraphs in the background section read as follows:

> "Such interfaces (referring to Figs. 17 and 18) restrict the construction of the table so that **levels (e.g., year and quarter) from a single dimension must appear on the same axis** (e.g., the rows or columns) and must be in their natural hierarchical order." (Emphasis Added)

The Pivot-Table interface does not allow two levels from a single dimension to appear on two different axes or layers. As noted above, the present invention as recited in claim 1 no

longer has this limitation. A user can put different levels from a single dimension on different axes.

Therefore, Applicants respectfully submit that claims 1, 30, and 59 are not anticipated by the Pivot-Table interface reference.

The Polaris Reference

The Examiner rejected claims 1, 30 and 59 under 35 U.S.C. 102(e) as being anticipated by Stolte et al., Polaris, included in Applicants' IDS. Applicants respectfully disagree.

35 U.S.C. 102(e) reads as follows:

> "A person shall be entitled to a patent unless -
>
> ... (e) the invention was described in - (1) **an application for patent,** published under section 122(b), by another ... or (2) a **patent granted on an application for patent** by another ..." (Emphasis Added).

The Polaris reference is an article published on a computer science conference, "Proceedings of the IEEE Symposium on Information Visualization 2000". It is neither an application for patent nor a patent granted on an application for patent. Applicants respectfully submit that 35 U.S.C. 102(e) does not apply.

Nor does 35 U.S.C. 102(b) apply because the Polaris reference, although published one year before the filing date of the present application, does not teach or suggest each feature of claims 1, 30, and 59. Therefore, claims 1, 30, and 59 are not anticipated by the Polaris reference.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-4000, if a telephone call could help resolve any remaining items.

Respectfully submitted,

Date: 11/27/06

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